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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

SWITCH, LTD., a Nevada corporation,

Plaintiff/Counter-Defendant,

v.

UPTIME INSTITUTE, LLC, a Delaware limited
liability company; and UPTIME INSTITUTE
PROFESSIONAL SERVICES, LLC, a Delaware
limited liability company,

Defendants/Counterclaimants.

CASE NO.: 2:19-cv-00631-GMN-NJK

**STIPULATION AND ORDER FOR
EXTENSION OF TIME TO FILE
RESPONSIVE PLEADINGS TO
DEFENDANTS' MOTION FOR
PROTECTIVE ORDER [DKT. #45]
(SECOND REQUEST) AND
DEFENDANTS' MOTION TO
EXCLUDE PLAINTIFF'S INSIDE
COUNSEL SAMUEL CASTOR
FROM TAKING AND DEFENDING
DEPOSITIONS [DKT. #46] (FIRST
REQUEST)**

Plaintiff SWITCH, LTD., and Defendants UPTIME INSTITUTE, LLC, and UPTIME
INSTITUTE PROFESSIONAL SERVICES, LLC, (collectively, the "Parties"), by and through
their respective counsel, respectfully submit the following Stipulation and Order for Extension of
Time to File Responsive Pleadings in accordance with LR IA 6-1.

1 The parties have decided today to engage in active settlement discussions and would like
2 to spend the next eighteen (18) days focusing on those negotiations, attempting to resolve this case,
3 rather than on motion practice. To allow the parties to conduct meaningful settlement discussions,
4 the Parties hereby request an extension of the following deadlines that will occur in the next 18
5 days.

6 **A. Defendants' Motion for Protective Order [Dkt. #45]**

7 Defendants filed their Motion for Protective Order [Dkt #45] ("Motion") on February 14,
8 2020. Plaintiff asked Defendants for an extension of time of five days to file its response. On
9 February 18, Plaintiff proposed to Defendants an agreement including the requested extension for
10 plaintiff and a five-day extension for Defendants to file their reply brief. However, moments
11 thereafter, Plaintiff filed a Motion to Extend Time for Plaintiff to File Responsive Pleading [Dkt.
12 #47] with the court, requesting the extension for Plaintiff only, as Plaintiff's counsel had not yet
13 seen the proposed agreement.

14 The Court entered an Order on February 19 [Dkt. #48], granting the motion and making
15 Plaintiff's responsive pleading due on February 24, 2020. Plaintiff has since agreed to the
16 requested extension for the reply brief as well, which would extend the deadline for the reply until
17 March 2, 2020.

18 Pursuant to Stipulation of the Parties, the Parties request that the Court grant their request
19 to extend the currently agreed responsive pleading deadlines by eighteen (18) days, as follows:

20 Plaintiff's current response deadline: February 24, 2020

21 **Requested response deadline: March 13, 2020**

22 Defendants' current reply deadline: February 26, 2020

23 **Requested reply deadline: March 20, 2020**

24 This is the second request for extension of time for the Parties to file responsive pleadings
25 to Defendants' Motion [Dkt. #45]. This request is not dilatory nor will it cause any undue delay in
26 this litigation, but instead is designed to allow for meaningful settlement discussion. Also, in the
27 event that the parties are unable to settle the case, the parties agree that Defendants may have one
28

1 week to reply in support of their Motion for Protective Order, as Defendants' moving brief was 23
2 pages and Plaintiff's response is expected to be substantial.

3 **B. Defendants' Motion to Exclude Plaintiffs' Inside Counsel Samuel Castor from**
4 **Taking and Defending Depositions ("Motion to Exclude") [Dkt. #46]**

5 Defendants filed their Motion to Exclude on February 14, 2020. The current deadline for
6 Plaintiff to file a responsive pleading is February 28, 2020. Pursuant to LR 7-2(b), Defendants'
7 reply is due March 6, 2020.

8 Pursuant to Stipulation of the Parties, the Parties request that the Court grant their request
9 to extend the current responsive pleading deadlines by eighteen (18) days, as follows:

10 Plaintiff's current response deadline: February 28, 2020

11 **Requested response deadline: March 17, 2020**

12 Defendants' current reply deadline: March 6, 2020

13 **Requested reply deadline: March 24, 2020**

14
15 This is the first Stipulation for extension of time for the Parties to file responsive pleadings
16 to Defendants' Motion [Dkt. #46]. This request is not dilatory nor intended to cause any undue
17 delay in this litigation.

18 **C. Motion to Dismiss Second Amended Complaint**

19 On February 4, 2020, Plaintiff filed its Second Amended Complaint. The deadline for
20 Defendants to answer or move in response is March 5, 2020.

21 This is the first Stipulation for extension of time for the Defendants to answer or move in
22 response to the Second Amended Complaint.

23 Pursuant to Stipulation of the Parties, the Parties request that the Court grant their request
24 to extend the current deadline for Defendants to answer or move in response to the Second
25 Amended Complaint by eighteen (18) days, as follows:

26 ///

27 ///

28 ///

Plaintiff's current response deadline: March 5, 2020

Requested response deadline: March 23, 2020

IT IS SO STIPULATED this 24th day of February, 2020.

DECHERT LLP

SWITCH, LTD.

BY: /s/: Diane Siegel Danoff

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IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

Dated: February 26, 2020